

A BILL

TO BE ENTITLED

AN ACT amending Article 614-1 of the Penal Code of the State of Texas (Acts 1933, 43rd Leg., p. 843, ch. 241, 1; as amended by Acts 1934, 43rd Leg., 2nd C. S., p. 63, ch. 21, sec. 1); as amended by Acts 1943, 48th Leg., p. 33, ch. 31, sec. 1); creating a Boxing and Wrestling Commission; defining its powers and duties; repealing all laws in conflict; providing for severability; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Article 614-1 of the Penal Code of the State of Texas be and the same hereby is amended to read hereafter as follows:

"(a) 1. The promoting, conducting or maintaining of fistic combat or wrestling matches, boxing or sparring contests or exhibitions for money remuneration, purses or prize equivalent to be received by the participants or contestants, or where an admission fee thereto or therefor is charged or received, shall be lawful in Texas, except on Sunday, subject to such supervision by the Boxing and Wrestling Commission, created and established herein, pursuant to the authority and power presently delegated and granted to the Commissioner of Labor Statistics and hereby removed from the Commissioner of Labor Statistics and delegated and granted to the Boxing and Wrestling Commission; provided, however, that any such contests conducted by educational institutions and/or Texas National Guard units and/or duly recognized amateur athletic organizations shall be exempt from the provisions of this Act as specified under Paragraph (c) of this section.

2. There is hereby created the Boxing and Wrestling Commission which shall have the authority, powers, duties and functions provided by law and heretofore vested in the Commissioner of the Bureau of Labor Statistics pursuant to Acts 1933, 43rd Leg., p. 843, ch. 241, sec. 1; as amended by Acts 1934, 43rd Leg., 2nd C. S., p. 63, ch. 21, sec. 1; as amended by Acts 1943, 48th Leg., p. 33, ch. 31, sec. 1.

3. Sole jurisdiction and authority is hereby vested in the Boxing and Wrestling Commission to enforce the provisions of this Act regulating the promoting, conducting or maintaining fistic combats, wrestling matches, boxing or sparring contests or exhibitions for money remuneration, purse or prize equivalent to be received by the participants or contestants, or where an admission fee thereto or therefor is charged or received, and it is hereby given specific authority to promulgate such rules and regulations as shall be necessary in carrying out the purposes of this Act, and shall have the power of refusal of licenses or permits to boxers, wrestlers, managers, referees, match-makers, timekeepers, seconds or promoters if after investigation applicant or applicants are found to be of questionable character or not entitled to same under the provisions of this Act.

4. The Boxing and Wrestling Commission shall consist of six members, one of whom shall be chairman. The Chairman and other members of the Commission shall be appointed by the Governor from different sections of the State, which appointment shall be with the advice and consent of the Senate, if in session, and if not in session, the Governor shall appoint such chairman and members and issue a commission to them as provided by law, and their appointment shall be submitted to the next session of the Senate for advice and consent in the manner that appointments to fill vacancies under the Constitution are submitted to the Senate. The chairman and one member of the Boxing and Wrestling Commission shall be appointed for a term ending August 31, 1963; two members shall be appointed for a term ending August 31, 1961; and two members shall be appointed for a term ending August 31, 1959; or until their successors are appointed and qualified. Thereafter, the Governor shall appoint such chairman and members for terms of six years. The chairman and each member of the Boxing and Wrestling Commission shall execute a bond payable to the State of Texas, in the sum of Ten Thousand Dollars to be approved by the Governor and conditioned upon the faithful performance of his duties under the law. The premium on such bonds shall be paid by the State of Texas out of funds available to the Boxing and Wrestling Commission under the law and appropriations by the Legislature.

5. The Boxing and Wrestling Commission shall hold regular monthly meetings and may hold such special meetings at such times and places as said Commission may deem necessary and proper. It shall require two members or the chairman and one member of said Commission to constitute a quorum.

6. The chairman and members of said Commission shall receive as compensation for their services their actual expenses in the performance of their duties. The expense of the chairman and members shall be itemized and sworn to by said chairman or member receiving the same and shall be paid out on warrants of the Comptroller drawn against any fund available for the use of the Boxing and Wrestling Commission.

7. The Boxing and Wrestling Commission shall have power and authority to appoint an executive director who shall act as the chief executive officer under the direction of the Boxing and Wrestling Commission and shall perform the duties presently assigned to the Secretary to the Commissioner of Bureau of Labor Statistics by Article 614-2. The Commission may perform its duties through said executive director and may delegate to him such executive duties as the Boxing and Wrestling Commission shall deem proper. The Commission shall also have power and authority to appoint an assistant executive director who, in the absence of the executive director, shall perform all the duties of the executive director and shall perform such other duties as may be prescribed by the Boxing and Wrestling Commission or under its direction. The executive director shall have authority to appoint such Boxing and Wrestling Deputies and other employees as in his discretion may be deemed necessary to carry out, execute and administer, and to perform all other duties and services authorized and required to be performed by the Boxing and Wrestling Commission and shall have the authority, powers, duties and functions heretofore vested in the Boxing and Wrestling Division of the Bureau of Labor Statistics. Said executive director and assistant executive director shall serve at the will of the Boxing and Wrestling Commission and other employees shall serve at the will of the executive director.

8. The executive director and the assistant executive director shall each receive such compensation as may be fixed by the Legislature in each biennial appropriation bill, to be paid to them in twelve equal monthly installments, out of any funds available to, or appropriated for the use of the Boxing and Wrestling Commission, together with all the necessary expenses in connection with their official duties. The compensation for all other employees of the Boxing and Wrestling Commission, herein provided for, shall be fixed

by the Boxing and Wrestling Commission except that the Legislature in each biennial appropriation bill shall fix the maximum compensation to be paid to such deputies and other employees.

9. The executive director and assistant executive director shall each enter into a good and sufficient bond in the sum of Ten Thousand Dollars payable to the State of Texas, to be approved by the Boxing and Wrestling Commission conditioned upon the faithful performance of his duties under the law. The premium on such bonds shall be paid by the State of Texas out of funds available to the Boxing and Wrestling Commission. The executive director and assistant executive director shall take the Constitutional oath of office. Every deputy and such other employees as the Boxing and Wrestling Commission may designate shall execute a bond in the sum of One Thousand Dollars to be approved by the executive director of the Boxing and Wrestling Commission, and payable to the State of Texas and conditioned upon the faithful performance of the duties of his office. The Boxing and Wrestling Commission may require any employee who handles funds belonging to the Boxing and Wrestling Commission to give a bond to as high as Ten Thousand Dollars conditioned upon the faithful performance of his duties under the law. Neither the chairman nor the members of the Commission, the executive director nor the assistant executive director shall be liable on the respective bonds for any act of any employee of the Boxing and Wrestling Commission but the bond of any such employee shall cover the individual acts of each.

(b) 1. The definition of the words 'boxer', 'wrestler', 'manager', 'referee', 'matchmaker', 'timekeeper', 'second', 'promoter', together with the phrases 'fistic combat', 'wrestling match', 'boxing contest' as used in this Act shall be accepted as defined by the National Boxing Association and the National Wrestling Association, and the rules governing ring regulations of boxing and wrestling contests or sparring contests or exhibitions, their seconds and referees shall be in accordance with those set out by the National Boxing Association and the National Wrestling Association. The definition of the phrases 'Amateur Contestant' and 'Amateur Contests' shall be that as set forth by the National Amateur Athletic Union.

2. If any person, firm or corporation be dissatisfied with any order, ruling or decision of the Boxing and Wrestling Commission, such aggrieved party may within thirty (30) days from the entry of such order, ruling or decision, appeal therefrom to the District Court of Travis County, Texas, and such Court may hear and determine such appeal, in term time or vacation, by trial de novo. If the aggrieved party shall prevail by final judgment, a certified copy thereof shall be presented to the Boxing and Wrestling Commission which shall comply with the terms thereof upon the payment of all fees incurred under the terms of this Act.

(c) None of the provisions of this Act shall be applicable to and enforced against:

1. All non-profit amateur athletic associations chartered under the laws of the State of Texas including their affiliated membership clubs throughout the State for the promotion of amateur athletics.

2. Any contests or exhibitions between students of such institutions which are conducted by any college, school or university as part of the institution's athletic program.

3. Contests or exhibitions between members of such units which are conducted by any troop, battery, company or units of Texas National Guard or Texas Defense Guard. Provided, none of the participants in such contests or exhibitions receive a money remuneration or purse or prize equivalent for their performance or services therein.

(d) Every person, club, organization or association of persons conducting or sponsoring amateur boxing or wrestling contests, except those specifically exempted, where an admission fee is charged shall be subject to the tax provision of this Act and shall conduct all wrestling matches, fistic

combats, boxing or sparring contests of amateur standing under the conditions specified hereinafter.

1. The sanction and approval of the Boxing and Wrestling Commission shall be secured at least seven (7) days prior to date of tournaments or contests, and all entries shall be filed with said amateur organization three (3) days prior to date of the tournaments or contests.

2. Such amateur organization shall have the responsibility of determining and sanctioning the amateur standing or status of each and every contestant who performs or appears in such amateur contests or tournaments.

3. Such amateur organization shall not be required to secure a license to conduct or promote amateur contests approved by the Boxing and Wrestling Commission.

4. Such contests shall be subject to the supervision of the Boxing and Wrestling Commission and all profits derived from such contests be used in the development of amateur athletics.

5. No one shall be permitted to act as referee in amateur contests except a person holding a license or permit from the Boxing and Wrestling Commission.

6. All contestants shall be examined by a licensed physician within a reasonable time before they enter or engage in contests, and a licensed physician shall be in attendance at the ringside during the full course of the contests or tournaments.

7. No boxer, wrestler or manager licensed under this Act shall participate in any capacity during any amateur show or exhibition and said participation shall be deemed sufficient grounds for having his professional license suspended or revoked by the Boxing and Wrestling Commission.

Section 2. All laws and parts of laws in conflict herewith are hereby repealed except that it is specifically provided that the remaining provisions of Article 614-2 to and including Article 614-17c are not repealed and are to remain in full force and effect and all acts and actions therein required by or through the Commissioner of the Bureau of Labor Statistics shall be done by or through the Boxing and Wrestling Commission.

Section 3. If any section, sentence, phrase or part of this Act shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining portions thereof; it being the intention of the Legislature to pass the constitutional sections, sentences, phrases and parts of this Act even though some one or more sections, sentences, phrases or parts shall be held to be invalid.

H.B. 304 BY Will L. Smith

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AND REFERRED TO COMMITTEE ON

State Affairs